



## Appeal Decision

Site visit made on 1 March 2022 by A Coombes

**Decision by S Ashworth BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 April 2022**

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**Appeal Ref: APP/B4215/Z/21/3288312**

**Site Address: 71 Wellington Street, Manchester M18 8BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Page (Wildstone) against the decision of Manchester City Council.
  - The application Ref 131394/AOH/2021, dated 22 June 2021, was refused by notice dated 11 October 2021.
  - The development proposed is the upgrade of 2no. 48-sheet illuminated advertising displays to 2no. 48-sheet digital advertising displays. Removal of remaining 2no. illuminated advertising displays
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The Council have not refused the application in respect of public safety and therefore the main issue is the effect of the proposed advertisement on the amenity of the area.

### Reasons for the Recommendation

4. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.
5. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (the Framework), issued 2021, sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
6. The appeal site is an area of land located at the junction of Wellington Street, Garratt Way and Cross Lane. There are currently four externally illuminated

advertising displays in situ. The site is bound by a small area of vegetation and is situated alongside commercial units on Wellington Street. The wider surrounding area is commercial in character with instances of residential accommodation. The proposal seeks consent to remove the four existing advertising displays and install two 48-sheet digital advertising displays.

7. The advertisements would be sited within a well-lit area with examples of illumination relating to commercial properties. The appellant has provided a light spill diagram that suggests that there would be no adverse impact on neighbouring residents. However, the illuminated area of the proposed digital displays would be significant in scale compared to the instances of illumination nearby.
8. The existing billboards have been in situ for some time and the scheme would see a reduction in their number. Due to their positioning, only one billboard would be seen on approach from either direction, instead of multiple displays. However, the digital advertisements would be sharper and brighter and therefore intrinsically different in character to the current advertisements. Images could be controlled by condition to remain static, and the level of luminance would accord with best practice guidance. However, the advertisements would appear dominant and thereby incongruous within their context and conditions would not mitigate the harm identified.
9. It is accepted that there are benefits from replacing the existing paper and paste style advertising, such as waste reduction and opportunities to advertise emergency messaging at short notice. Furthermore, the scheme that is subject of this appeal could improve the landscaping and biodiversity of the appeal site as well as discouraging inappropriate behaviour through proposed fencing. However, these benefits could be achieved through a different scheme that does not cause the same level of harm to the amenity of the area. Whilst afforded limited weight, these matters do not outweigh the harm identified.
10. The appellant has provided three examples of similar approved schemes. However, in all three cases the context is different in that the schemes are situated alongside what appear to be busy dual carriageways in open, commercial areas. Whilst it is accepted that there are advertisements similar to this scheme in Manchester and the UK, the planning merits of the proposed digital advertisements have been considered within the site-specific context.
11. For the reasons given above, the proposed advertisement would cause harm to the amenity of the area. Though not decisive, regard has been given to Policies EN1, DM1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document (CS), adopted 2012. Together these Policies seek to resist development that is not of good design quality and does not make a positive contribution to its neighbourhood or respond appropriately to its context. Further regard has been given to saved Policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester, adopted 1995. These saved Policies require applications for advertisements to be considered in the interest of amenity and public safety and require that advertisements relate properly to the site on which they stand.

## **Other Matters**

12. The appellant has raised concerns about how the application was dealt with by the Council. Nonetheless, the Council's formal decision was to refuse

permission and it has substantiated its case in this respect. Its conduct during the application process is not a matter that I can consider when determining this appeal.

### **Conclusion and Recommendation**

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*April Coombes*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*S Ashworth*

INSPECTOR